

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**CONTINENTAL CASUALTY COMPANY)
and AMERICAN CASUALTY COMPANY)
OF READING, PENNSYLVANIA,)**

Plaintiffs,)

vs.)

WESTERN EXPRESS, INC.,)

Defendant.)

No. 3:09-cv-00990

JUDGE HAYNES

ORDER APPOINTING SPECIAL MASTER

Upon the parties' Joint Motion for Appointment of Special Master (Doc. No. 16) and it appearing to the Court that this is an appropriate matter to be referred to a special master to take evidence and make findings of fact and conclusions of law in this disputed case, it is,


ORDERED that attorney David Broemel be and hereby is appointed special master pursuant to Rule 53 of the Federal Rules of Civil Procedure to take evidence and make findings of fact and conclusions of law in this matter and to report same to this Court. The special master shall confer with the parties and shall file a Scheduling Order no later than thirty days from the date of this Order.

It is further **ORDERED** that David Broemel, as special master, shall have all powers and authority and shall proceed in accordance with Rule 53 of the Federal Rules of Civil Procedure. The parties have agreed and this Court accordingly **ORDERS** that Mr. Broemel's findings of fact may only be reviewed for clear error.

The parties hereto have agreed and this Court so **ORDERS** that Mr. Broemel's duties shall include any additional disputes between the parties that may subsequently arise out of their continuing business relationship.

It is further **ORDERED** that the special master shall be compensated at his regular hourly rate, and that his fees and expenses in this matter shall be apportioned and paid one-half (1/2) by the Plaintiffs and one-half (1/2) by the Defendant Western Express, Inc. The special master has disclosed his prior representations and disclosed potential conflicts of interests with the parties. As evidenced by the signatures of their counsel below, the parties have agreed to waive any possible objections to all potential conflicts of interests.

Signed and **ORDERED** this 3rd day of March, 2010.


WILLIAM J. HAYNES, JR.
UNITED STATES DISTRICT JUDGE